



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/606,346

06/24/2003

Craig Richard Watkins

059643.00725

3987

32294

7590

12/18/2008

SQUIRE, SANDERS & DEMPSEY L.L.P.

8000 TOWERS CRESCENT DRIVE

14TH FLOOR

VIENNA, VA 22182-6212

EXAMINER

ARMOUCHE, HADI S

ART UNIT

PAPER NUMBER

2432

MAIL DATE

DELIVERY MODE

12/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/606,346	Applicant(s) WATKINS ET AL.	
	Examiner HADI ARMOUCHE	Art Unit 2432	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 22-51 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 22-51 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/27/2008 has been entered.

2. This communication is in response to amendment under 37 CFR 1.111, filed on 10/01/2008. Claims 1-3, 5-6, 8-9, 22, 28, 30, 34-35, 48 and 49 have been amended, claims 50 and 51 has been added, claims 10-21 have been cancelled. Claims 1-9, 22-51 remain pending.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 9, 22, 35, 49-51 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 50 and 51 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

Art Unit: 2432

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant has not pointed out where the new claim is supported, not does there appear to be a written description of the claim limitation "*a computer program, embodied on a computer-readable medium, configured to control a processor*" in the application as filed.

6. To expedite the prosecution, the examiner further rejected claims 50 and 51 under 35 USC 103.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1-9, 22-29, 31-32, 34-44, 46 and 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw (US 7,058,970) in view of Ji et al. (US 6,728,886) referred to hereinafter by Ji .

9. As per claims 1 and 49:

Shaw discloses an apparatus comprising:

a proxy configured to receive a request for network services by at least one remote network device and to perform a security integrity scanning operation on the requesting remote network device (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47); and an authorization processing unit and access control rules unit configured to determine if the remote network device is authorized to access the requested network

Art Unit: 2432

services based on the results of the security scanning operation (col 4 lines 50-64 and fig 7 col 6 lines 33-61).

Shaw teaches that the security scanning operation is performed before **or** after the remote network device signs on to the proxy (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47) but does not teach that the security scanning operation is performed before **and** after the remote network device signs on to the proxy. Ji teaches performing security scanning before and after the host computer request data from the internet (proxy) [col 3 lines 11-49].

At the time of the invention was made, it would have been obvious to an ordinary skill in the art to combine Ji's teachings in Shaw's apparatus. The motivation/suggestion would have been to alleviate processing bottleneck issues associated with the centralized virus scanning approach while substantially eliminating the burden of maintaining and updating the scanning product at each host computer individually [Ji, col 3 lines 4-8].

10. As per claim 9:

Shaw discloses a system comprising:

at least one remote network device configured to access a network via a network connection to make a request for one or more network resident services; a gateway configured to receive the request for services and perform a security integrity scanning operation on the remote network device prior to allowing access to the requested network services (2:62-3:12) (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47); an authentication server that verifies user authentication credentials of users of remote

Art Unit: 2432

network devices that access the network; and at least one network server that provides requested network services to at least one remote network device accessing the network through the gateway device (6:48-7:15).

Shaw teaches that the security scanning operation is performed before **or** after the remote network device signs on to the proxy (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47) but does not teach that the security scanning operation is performed before **and** after the remote network device signs on to the proxy. Ji teaches performing security scanning before and after the host computer request data from the internet (proxy) [col 3 lines 11-49].

At the time of the invention was made, it would have been obvious to an ordinary skill in the art to combine Ji's teachings in Shaw's apparatus. The motivation/suggestion would have been to alleviate processing bottleneck issues associated with the centralized virus scanning approach while substantially eliminating the burden of maintaining and updating the scanning product at each host computer individually [Ji, col 3 lines 4-8].

11. As per claims 22, 50:

Shaw discloses a method comprising:

performing scanning process and reporting result used in scanning script comprising at least one variable defined to be used as a vehicle to convey results of a scanning process, performing at least one scanning operation on the remote network device to verify the security integrity of the remote device(fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47); and providing the results of the scanning operation for purposes of

Art Unit: 2432

determining whether or not the remote network device is authorized to access the requested network services (4:50-5:3, 6:48-51).

Shaw teaches that the security scanning operation is performed before **or** after the remote network device signs on to the proxy (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47) but does not teach that the security scanning operation is performed before **and** after the remote network device signs on to the proxy. Ji teaches performing security scanning before and after the host computer request data from the internet (proxy) [col 3 lines 11-49].

At the time of the invention was made, it would have been obvious to an ordinary skill in the art to combine Ji's teachings in Shaw's apparatus. The motivation/suggestion would have been to alleviate processing bottleneck issues associated with the centralized virus scanning approach while substantially eliminating the burden of maintaining and updating the scanning product at each host computer individually [Ji, col 3 lines 4-8].

12. As per claims 35, 51:

Shaw discloses a method comprising the steps of:

defining at least one access control policy for accessing network services wherein the access control policy depends, at least in part, on the results of an integrity scan performed on a remote network device; specifying what scan scripts are to be used under what conditions to the remote network device; receiving at least one result of an integrity scan from the remote network device at a gateway device (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47); and regulating access by the remote network device to

Art Unit: 2432

network services via the gateway device based, at least in part, on the results of the integrity scan (6:48-61, 7:42-8:30).

Shaw teaches that the security scanning operation is performed before **or** after the remote network device signs on to the proxy (fig 5, col 4 lines 50-64 and fig 7 col 6 lines 33-47) but does not teach that the security scanning operation is performed before **and** after the remote network device signs on to the proxy. Ji teaches performing security scanning before and after the host computer request data from the internet (proxy) [col 3 lines 11-49].

At the time of the invention was made, it would have been obvious to an ordinary skill in the art to combine Ji's teachings in Shaw's apparatus. The motivation/suggestion would have been to alleviate processing bottleneck issues associated with the centralized virus scanning approach while substantially eliminating the burden of maintaining and updating the scanning product at each host computer individually [Ji, col 3 lines 4-8].

13. As per claims 2, 23 and 36:

Shaw discloses a proxy device is configured to make integrity security decisions regarding access to network services by a remote network device on a request-by-request basis (6:48-61).

14. As per claims 3, 24, 37 and 42

Shaw discloses an access rules controller that comprises a plurality of variables used to generate a set of security properties for each remote network device (6:1-9, 8:19-30).

Art Unit: 2432

15. As per claims 4, 25 and 43:

Shaw discloses a set of security properties that may be different for each remote network device that accesses and requests service through the network (7:42-8:30).

16. As per claims 5, 26 and 39:

Shaw discloses a device that is configured to use at least one script to select of the type of scanning operations to be performed for each remote network device accessing the network (6:62-7:15).

17. As per claims 6, 7, 27, 28, 40 and 41:

Shaw fails to teach a signed applet, executing the script, allowed to access the remote network device for the purposes of executing programs as well as searching and reading specific data files that reside on the remote network device. However, Ji discloses a method wherein a signed Java applet is used to execute scripts in a similar endeavor (6:22-45, 7:33-34).

18. As per claims 8, 29, 31, 32, 38, 44 and 46:

Shaw discloses that the authorization processor is configured to refer to a series of variable values in the access control rule unit to determine if a remote network device is authorized to access the requested network service (6:1-61).

19. As per claims 34, 48:

Shaw discloses an apparatus wherein the remote network device is a personal computer (abstract).

Art Unit: 2432

20. Claims 30, 33, 45 and 47 rejected under 35 U.S.C. 103(a) as being unpatentable over Shaw in view of Ji in further in view of Hiltgen, U.S. PG-PUB 2003/0177392.

21. As per claims 30, 45:

The combined teachings of Shaw and Ji fail to teach the use of SSL to protect data communicated between the remote device and the gateway device. Hiltgen teaches the use of SSL to protect data communicated between the remote device and the gateway device [paragraph 0077].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize SSL in order to improve security of communications and to allow for communications to occur over a wireless network allowing for more flexibility and portability.

22. As per claims 33, 47:

The combined teachings of Shaw and Ji fail to teach networks used for establishing communication between said remote device and said gateway using WAP. Hiltgen teaches networks used for establishing communication between said remote device and said gateway using WAP [paragraph 0076].

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to utilize WAP in order to improve security of communications and to allow for communications to occur over a wireless network allowing for more flexibility and portability.

Conclusion

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HADI ARMOUCHE whose telephone number is (571)270-3618. The examiner can normally be reached on M-Th 7:30-5:00 and Fridays half day.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (571) 272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. A./
HADI ARMOUCHE
Examiner, Art Unit 2432
12/16/2008

/Gilberto Barron Jr/
Supervisory Patent Examiner, Art Unit 2432